

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:17

SENATE

S. NO. 48

RECEIVED BY: 

Introduced by Senator Flavier

EXPLANATORY NOTE

Article XV, Section 3(2) of the constitution provides that:

"The State shall defend the right of the children to assistance, including proper care and nutrition and special protection from all forms of neglect and abuse, cruelty, exploitation, and other conditions prejudicial to their development."

During the First National Congress of Street Children held last April 14-19, 1991 at De La Salle Greenhills, it was found that a major reason for the disruption of the normal lives of children is the indifference, abuse, cruelty and exploitation by their own parents.

Consider the neglected and abuse children's world now-they now live in a perilous environment, in poverty and neglect, enduring physical and moral indifference, often subjected to abuse by the very symbols of protection and security such as the authorities and their elders-all these they endure primarily due to the neglect and abandonment by their own parents.

Congress must now therefore act to correct this untenable situation of our children. Present laws must be strengthened and heavier penalties be imposed on delinquent parents who have been remiss in their duties to their children.

This bill therefore seeks to strengthen our laws against delinquent parents in order to make them applicable to certain situations which the drafters of the Revised Penal code did not anticipate in 1932. Among these is the fact that the Constitution now mandates compulsory elementary education for all children of school ages.

In view of the urgent need to certify the laws against delinquent parents and to better instill consciousness of their parental duties, passage of this bill is earnestly urged.


JUAN M. FLAVIER
Senator

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AN ACT
STRENGTHENING THE PENAL PROVISIONS WITH RESPECT TO
DELINQUENT PARENTS, AMENDING FOR THE PURPOSE ARTICLES 276,
277, AND 278 OF THE REVISED PENAL CODE, AS AMENDED

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 276 of the Revised Penal Code, as amended, is hereby further amended to read as follows.

"Art. 276. Abandoning a minor. – The penalty of *arresto mayor* and a fine of not less than ten thousand pesos (P10,000.00) but not more than fifteen thousand pesos (P15,000) shall be impose upon anyone who shall abandon [a child under seven years of age] AN UNEMANCIPATED MINOR, the custody of which is incumbent upon him.

"THE PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM PERIOD AND A FINE OF NOT LESS THAN FIFTEEN THOUSAND PESOS (P15,000.00) BUT NOT MORE THAN TWENTY THOUSAND PESOS (P20,000.00) SHALL BE IMPOSED ON THE CULPRIT IF HE IS THE PARENT OF THE UNEMANCIPATED MINOR.

"When the death of the UNEMANCIPATED minor shall result from the abandonment, the culprit shall be punished by *prision correctional* in its medium and maximum periods. [;]. IF THE CULPRIT BE THE PARENT OF THE DECEASED, HE SHALL BE PUNISHED BY *PRISION CORRECCIONAL* IN ITS MEDIUM PERIOD TO *PRISION MAYOR* IN ITS MINIMUM PERIOD [;]. [but] BUT if the life of the UNEMANCIPATED minor shall have been in danger only,

the penalty shall be *prision correccional* in its minimum and medium periods. IN THE LATTER CASE, IF THE CULPRIT BE THE PARENT OF THE UNEMANCIPATED MINOR, HE SHALL BE PUNISHED BY *PRISION CORRECCIONAL* IN ITS MINIMUM AND MEDIUM PERIODS.

"IN ADDITION, THE PARENTS OF THE UNEMANCIPATED MINOR SHALL DEPRIVE OF THEIR PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE UNEMANCIPATED CHILD.

"The provisions contained in [the two preceding paragraphs] THIS ARTICLE shall not prevent the imposition of the penalty provided for the act committed, when the same shall constitute a more serious offense."

SEC. 2. Article 277 of the Revised Penal Code, as amended, is hereby further amended to read as follows :

"Art. 277. *Abandonment of minor by person entrusted with his custody; indifference of parents.*- The penalty of *arresto mayor* and a fine of at least ten thousand pesos (P10,000.00) but not more than fifteen thousand pesos (P15,000.00) shall be imposed upon anyone who, having charge of the rearing or education of [a] AN UNEMANCIPATED, minor, shall deliver said minor to a public institution or other persons, without the consent of the one who entrusted such child to his care or, in the absence of the latter, without the consent of the proper authorities.

"The same penalty shall be imposed upon the parents who shall neglect their children OF SCHOOL AGE by not giving them the COMPULSORY ELEMENTARY education which [their station in life] THE CONSTITUTION requires [and financial condition permits.]"

SEC. 3. There shall be incorporated after Article 278 (5) of the same Code a new paragraph (6) to read as follows:

"6. ANY PARENT WHO SHALL GIVE HIS UNEMANCIPATED CHILD CORRUPTING ORDERS, COUNSELS OR EXAMPLE SHALL BE PUNISHED BY *ARRESTO MAYOR* IN ITS MAXIMUM PERIOD AND A FINE OF AT LEAST

TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN FIFTEEN THOUSAND PESOS (P15,000.00). THIS SHALL INCLUDE CASES WHICH HAVE RESULTED FROM CULPABLE NEGLIGENCE OF THE PARENT.

"IN THE CASE OF THE PARAGRAPH IMMEDIATELY PRECEDING, THE DELIQUENT PARENT SHALL, IN ADDITION TO THE PENALTY THAT WILL BE IMPOSED UPON HIM, LOSE PARENTAL AUTHORITY, HEREDITARY RIGHTS AND CUSTODY OF THE CHILD."

SEC. 4. This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,